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22 UNITED STATES DISTRICT COURT  
23  
24 NORTHERN DISTRICT OF CALIFORNIA  
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26 SAN FRANCISCO DIVISION  
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29 UNITED STATES OF AMERICA,

30 Plaintiff,

31 v.

32 W. SCOTT HARKONEN,

33 Defendant.

) Case No. CR 08-0164 MHP

) **STIPULATION AND ~~[PROPOSED]~~**  
) **ORDER MODIFYING TERMS OF**  
) **PROBATION TO PERMIT TRAVEL**

) Before: Hon. Marilyn Hall Patel

**STIPULATION**

WHEREAS, on April 13, 2011, the Court sentenced Dr. Harkonen to a three-year term of probation with the conditions that he (1) complete six months of home detention without electronic monitoring (a condition which was stayed by the Court pending appeal); (2) complete 200 hours of community service; (3) pay a \$20,000 fine and a \$100 special assessment; (4) and comply with various standard conditions, including (a) “not leav[ing] the judicial district without permission of the court or probation officer”, and (b) “work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons” (ECF 367);

WHEREAS, since his sentencing, Dr. Harkonen has diligently reported to his probation officer, Mr. Darnell Hammock, and is complying with all of his probation terms;

WHEREAS, on May 5, 2011, Dr. Harkonen paid to the Clerk of the Court the \$20,000 fine and \$100 special assessment;

WHEREAS, Dr. Harkonen is also currently seeking lawful employment, and based upon his prior employment which often required him to travel extensively both in the United States and internationally, often on short notice, Dr. Harkonen anticipates that in seeking and obtaining lawful employment, he will likewise be required to travel frequently, both within the United States and internationally, often on short notice;

WHEREAS, as part of Dr. Harkonen’s pretrial Conditions of Release and Appearance, Dr. Harkonen was permitted to travel within the United States upon notice to Pretrial Services before his departure and upon his return, and was permitted to travel internationally upon approval from Pretrial Services and notification upon his return (ECF 11), and Dr. Harkonen diligently complied with those conditions during all of his travel during the pretrial proceedings;

WHEREAS, under the existing travel restriction contained within the standard conditions of Dr. Harkonen’s probation, the U.S. Probation Office generally requires Dr. Harkonen to provide two weeks notice of proposed travel before his request to travel outside of the judicial district will be considered for approval by Mr. Hammock, Dr. Harkonen’s probation officer;

1 WHEREAS, after Dr. Harkonen informed Mr. Hammock of the earlier and broader travel  
2 restriction contained in his pretrial Conditions of Release and Appearance, Mr. Hammock suggested  
3 that Dr. Harkonen seek an order from the Court modifying his probation conditions;

4 WHEREAS, Mr. Hammock does not oppose this Stipulation;

5 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
6 undersigned, subject to approval of the Court, that Dr. Harkonen's probation conditions are modified  
7 to permit him to leave the Northern District of California and to travel within the United States upon  
8 oral or written notice to his probation officer before his departure and upon his return; and to travel  
9 internationally upon one-week notice to, and approval from, his probation officer before travel,  
10 followed by oral or written notice upon his return. All other terms and conditions of Dr. Harkonen's  
11 probation will remain the same.

12  
13 Respectfully submitted,

14 Dated: May 11, 2011

SIDLEY AUSTIN LLP

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16  
17 By: /s/ Mark E. Haddad

18 Mark E. Haddad

19 Attorneys for Defendant  
W. SCOTT HARKONEN

20  
21 Dated: May 11, 2011

BRIAN J. STRETCH  
Acting United States Attorney

22  
23 By: /s/ Kyle Waldinger

24 Kyle Waldinger  
25 Assistant United States Attorney  
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**SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order. In compliance with General Order 45.X.B., I hereby attest that the other signatory has concurred in this filing.

Dated: May 11, 2011

SIDLEY AUSTIN LLP

By: /s/ Mark E. Haddad

Mark E. Haddad

Attorneys for Defendant  
W. SCOTT HARKONEN

**~~[PROPOSED]~~ ORDER**

Upon stipulation of the parties, and good cause appearing, the Court hereby orders that the terms of Dr. Harkonen's probation are modified as follows:

During the period of his probation, Defendant W. Scott Harkonen is permitted to leave the Northern District of California and to travel within the United States upon oral or written notice to his probation officer before his departure and upon his return; and to travel internationally upon one-week notice to, and approval from, his probation officer before travel, followed by oral or written notice upon his return. All other terms and conditions of Dr. Harkonen's probation will remain the same.

**IT IS SO ORDERED.**

Dated: May 12, 2011

